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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,538	03/01/2002	Sanna Jauk	297-010817-US(PAR)	2256

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EXAMINER	
CHO, UN C	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/087,538	JAUK ET AL.	
	Examiner	Art Unit	
	UN C. CHO	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6 and 9-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6 and 9-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/13/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 3/13/2009 has been placed in record and considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 3, 6, 9 – 11 and 13 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 6,314,306 B1) in view of Bright et al. (US 6,418,323 B1).

Regarding claim 1, Harris discloses establishing a connection between a first mobile station (a text originator; Fig. 1, element 100) and a second mobile station (mobile device; Fig. 1, element 110), transferring speech data or message data representing a first effect for stimulating an auditory or visual sense via the established connection as a ringing command (the text originator produces a text message that is sent to a mobile device, wherein the text message includes a ringer command that is audible when received by the mobile device; Col. 1, line 46 through Col. 2, line 6); producing the first effect for stimulating an auditory or

visual sense in the second mobile station, while maintaining said connection (while the mobile device receives the text message, the user of the mobile device hears the selected ring according to the ring command associated with the text message; Col. 1, line 62 through Col. 2, line 6), using a first means of expression comprising at least one element selected from the group of a loudspeaker and a display (the user of the mobile device can view the message on the display (Fig. 1, element 112) as well as listening to the rings via a speaker (not shown); Col. 1, lines 46 – 53), moreover, Harris discloses that the ring command can also control a vibrator of the phone as well as the lighting in the phone (Col. 2, lines 20 – 30).

However, Harris does not specifically disclose transferring or activating data compiled from vibration effects memory, flash patterns memory or graphic objects memory for producing a second effect for stimulating a visual or tactile sense by the same established connection as a ringing command using a signaling message associated therewith, and producing the second effect stimulating a visual or tactile sense in the second mobile station, while maintaining said connection, using a second means of expression comprising at least one element selected from the group of a vibration unit, at least one light unit and the display, which is selected differently from the elements of the first means of expression, and wherein said second effect for stimulating a visual or tactile sense comprises a lighting effect or a vibration effect. In an analogous art, Bright teaches transferring or activating data compiled from vibration effects memory, flash patterns memory or graphic objects memory for producing a

second effect for stimulating a visual or tactile sense by the same established connection as a ringing command using a signaling message associated therewith (a text message, containing Morse code, is sent to the mobile phone during a call; Col. 2, lines 57 – 67), and producing the second effect stimulating a visual or tactile sense in the second mobile station, while maintaining said connection, using a second means of expression comprising at least one element selected from the group of a vibration unit (the mobile phone receiving the message interprets and outputs the Morse code through its vibration device (Fig. 1a, element 132); Col. 5, lines 20 – 30), at least one light unit and the display, which is selected differently from the elements of the first means of expression, and wherein said second effect for stimulating a visual or tactile sense comprises a lighting effect or a vibration effect (vibrating the corresponding Morse code representations via the vibration device 132 in the middle of a call; Col. 2, lines 49 – 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Bright to the system of Harris in order to provide an advantageous method of communicating and notifying a user in a non-verbal or more private manner.

Regarding claim 2, the combination of Harris and Bright discloses all the limitations of claim 2, including the limitation of transferring data in a User-to-User signaling message associated with the telephone connection (Bright discloses transferring a text message containing a Morse code to the mobile phone during

a call, wherein the received message is interpreted and outputted through the vibration device; Col. 2, lines 49 – 67).

Regarding claim 3, the combination of Harris and Bright discloses all the limitations of claim 3, including transmitting data compiled from sounds memory (text message containing a ring command; Harris: Col. 1, line 46 through Col. 2, line 6), vibration effects memory forming the first and second effects in a text message (transferring a text message containing a Morse code to the mobile phone during a call, wherein the received message is interpreted and outputted through the vibration device; Bright: Col. 2, lines 49 – 67).

Regarding claim 6, the combination of Harris and Bright discloses that a graphics effect is presented on the display (the text message is displayed on the display; Harris: Col. 1, lines 46 – 53), moreover, Bright also discloses receiving a message during a call which will be notified on the display by LEDs (Bright: Col. 5, lines 11 – 19 and Col. 5, line 66 through Col. 6, line 9).

Regarding claim 9, Bright discloses generating a plurality of second effects for stimulating visual *or* tactile senses at the same time in the mobile station to form an effect entity combined from effects stimulating visual *or* tactile senses (transferring a text message containing a Morse code to the mobile phone during a call, wherein the received message is interpreted and outputted through the vibration device; Col. 2, lines 49 – 67).

Regarding claim 10, Bright discloses the claimed invention (transferring a text message containing a Morse code to the mobile phone during a call, wherein

the received message is interpreted and outputted through the vibration device; Col. 2, lines 49 – 67) except for the second effect being activated so as to be automatically presented. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the technique of Bright, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding claim 11, Bright discloses the claimed invention (transferring a text message containing a Morse code to the mobile phone during a call, wherein the received message is interpreted and outputted through the vibration device; Col. 2, lines 49 – 67) except for activating based on a start instruction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the technique of Bright, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding claim 13, the combination of Harris and Bright discloses all the limitations of claim 13 including a transmitter and receiver (transceiver; Bright: Fig. 3, element 312), a control unit (processor; Bright: Fig. 3, element 302). Therefore, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 14, Harris discloses a sounds unit, a sounds controller and a sounds memory for controlling sound effects (the user hears the selected ring based on the received ring command, thus it would have been obvious to one of ordinary skill in the art to recognize that in order to hear all the necessary parts must be there such as speaker, controller and memory; Col. 1, lines 62 through Col. 2, line 6).

Regarding claim 15, Bright discloses a vibration unit (vibration device; Fig. 1a, element 132), a vibrator controller (adapter interface (Fig. 3, element 316) controlled by the processor (Fig. 3, element 302)) and a vibration effects memory (Fig. 3, element 306).

Regarding claim 16, Bright discloses light units, a lighting controller and a flash patterns memory (the user can see the Morse code through LEDs, thus in order to see the Morse code visually all the necessary parts must obviously be there such as LEDs, controller and memory; Col. 5, lines 11 – 19 and Col. 5, line 66 through Col. 6, line 17).

Regarding claim 17, Harris discloses a display (Fig. 1, element 112), a display controller (processor; Fig. 1, element 114) and a graphic objects memory (a memory (not shown) is inherent in a mobile device; Col. 1, line 46 through Col. 2, line 6).

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 20, Harris discloses wherein the control unit is configured for transmitting effects to be presented on a second mobile station (the text originator, a mobile device, produces a text message that is sent to a second mobile device, wherein the text message includes a ringer command that is audible when received by the second mobile device; Col. 1, line 46 through Col. 2, line 6).

Regarding claim 21, Harris discloses wherein the control unit is configured for transmitting effects to a second mobile station as part of a text message (the text originator produces *a text message* that is sent to a mobile device, wherein the text message includes a ringer command that is audible when received by the mobile device; Col. 1, line 46 through Col. 2, line 6).

Regarding claim 22, Bright discloses wherein the control unit is configured for transmitting effects to a second mobile station during a telephone connection using a User-to-User signaling message associated with the telephone connection (transferring a text message from a mobile phone to a second mobile phone, containing a Morse code *during a call*, wherein the received message is interpreted and outputted through the vibration device of the second mobile phone; Col. 2, lines 49 – 67).

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 24, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 25, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 26, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 27, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 28, Bright discloses that the established connection is a voice call (a text message, containing Morse code, is sent to the mobile phone during a voice call; Col. 2, lines 57 – 67).

Regarding claim 29, the claim is interpreted and rejected for the same reason as set forth in claim 29.

Regarding claim 30, Harris discloses that the mobile device receives a text message which is displayed on a display (Col. 1, line 46 through Col. 2, line 6), thus one of ordinary skill in the art would interpret and understand that displaying anything (text or graphics) on the display would be considered an image that is created using pixels.

4. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Bright as applied to claim 1 above, and further in view of the admitted prior art (hereinafter APA).

Regarding claim 4, the combination of Harris and Bright does not specifically disclose that the effect is in a MIDI file. In an analogous art, the APA

remedies the deficiencies of the combination of Harris and Bright by disclosing that MIDI files are in general used for storing and transferring control information for musical instruments (Page 2, lines 1 – 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of the APA to the modified system of Harris and Bright in order to provide a file format that is standardized for transferring music files for bringing polyphonic ringing tones to mobile phones.

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Response to Arguments

5. Applicant's arguments filed on 12/18/2008 have been fully considered but they are not persuasive.

In response to applicant's arguments that the combination of Harris and Bright fails to teach "transferring or activating data compiled from vibration effects memory, flash patterns memory or graphic objects memory for producing a second effect for stimulating a visual or tactile sense by the same established connection as a ringing command using a signaling message associated therewith, ... and producing the second effect stimulating a visual or tactile sense in the second mobile station, while maintaining said connection, using a second means of expression comprising at least one element selected from the group of a vibration unit, at last one light unit and the display, which is selected differently from the elements of the first means of expression,

and wherein said second effect for stimulating a visual or tactile sense comprises a lighting effect or a vibration effect". The examiner respectfully disagrees with the arguments presented by the applicant. Harris clearly teaches sending a text message including a ringer command to the phone 110 and the microprocessor of the phone 110 interprets the ringer command and can play a sequence of rings, control a vibrator of the phone, control turning the light in the phone on and off or other operations (Col. 1, line 62 through Col. 2, line 29). Bright clearly teaches transferring data compiled from vibration effects (Morse codes) and producing the vibration effects at the receiving device during the call (engage in a verbal conversation and switch to sending the other calling party a non-verbal text message, and the switch back to verbal conversation) (Col. 3, line 61 through Col. 4, line 7). The motivation to combine the teachings of Bright to the system of Harris is to show that vibration effects can be transferred while maintaining said connection between a first and a second mobile station, thereby enabling the user to conduct all or a portion of a call in a non-audible and more private manner.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UN C. CHO whose telephone number is (571)272-7919. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Un C Cho/
Examiner, Art Unit 2617